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Written statement* submitted by the Reporters Sans Frontiers International - Reporters Without Borders International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Eritrea: urgent SOS to the Human Rights Council

By 2 June 2015 Swedish-Eritrean citizen Mr. Dawit Isaak had passed 5 000 days in prison without charge, trial or sentence. His case is emblematic of thousands of other newsproviders, human rights defenders and opposition politicians.

Mr. Isaak is a journalist. He was arrested in September 2001 in Eritrea as were 17 colleagues. The Eritrean Government had days earlier closed down all independent papers in the country as a part of a major clampdown. Since then many more journalists, politicians, human rights defenders have been arrested in Eritrea.

According to Amnesty International there are thousands of political prisoners in Eritrea. The case of Mr Isaak was reported to the Police in Sweden by French and two Swedish jurists in June 2014. The complaint pointed to President Isaias Afewerki of Eritrea and some of his closest ministers being responsible for *Torture, enforced disappearance and crimes against Humanity in the case of Dawit Isaak*. The jurists are Mr. Jesús Alcalá and Mr. Percy Bratt from Sweden and Ms. Prisca Orsonneau from France, until recently legal coordinator for Reporters without Borders.

On 25 March 2015 the Swedish Prosecutor-General, wrote:
"The facts of this case give reason to believe that what has befallen him (Mr. Isaak) can be traced to the top political level in Eritrea, and that this has also befallen other journalists, politicians and many others for similar reasons. I find that there is reason to believe that at least Crimes against Humanity in the form of Enforced Disappearance under Section 2, 9§ in the Law on Genocide, Crimes against Humanity and War Crimes have been committed against Dawit Isaak-"
(The decision by the Prosecutor-General is annexed to this document.)

In the work to bring the case to justice in Sweden the jurists were supported not only by the Swedish section of *Reporters without Borders* but also by Africa-based defenders of Human Rights. A joint statement published in the Swedish daily *Expressen* was signed by *East and Horn of Africa Human Rights Defenders Project* (EHAHRDP) in Kampala, the *Institute of Human Rights and Development in Africa* (IHRDA) in Banjul and Article 19 in Nairobi. (http://www.expressen.se/debatt/sverige-maste-utreda-brotten-mot-dawit/)

Mr Isaak and his colleagues are kept incommunicado at undisclosed locations and are not allowed to see neither family, friends, lawyers, representatives from the ICRC nor - in Mr. Isaak's case - Swedish or European diplomats. It is not only the prisoners who are being hurt by this illegal treatment but also their families and perhaps, most of all, their children being deprived of their fathers for more than a decade. They suffer, wherever they live, be it in Sweden, France, Eritrea or any other country.

The case of Dawit Isaak and his incarcerated colleagues shows the need for working over borders. The imprisonment of Mr. Isaak has been taken up by the *African Commission of Human and Peoples' Rights* (ACHPR) after a writ for Habeas Corpus was ignored by the High Court in Eritrea where it was sent by the three above-mentioned jurists in 2011.

In an earlier case before the ACHPR Eritrea had underlined that Habeas Corpus is practiced in Eritrea. But it was not practiced in this case so the jurists turned to the ACHPR which has decided to try the case on its merits. *Reporters without Borders/Sweden* has during this process been granted Observer Status before the Commission and made a statement in April in Banjul. During all these proceedings, we wish to acknowledge the importance of the moral and practical support by organisations like EHAHRDP and IHRD.

Both at ACHPR and in 2013 during the June session of the Human Rights Council joint efforts have been made in cooperation with EHAHRDP, Article 19 and other NGOs to shine a sharper light on the severe Human Rights situation in Eritrea by bringing to the Council the voices of the victims as well as available updates on the case of Dawit Isaak

and the other imprisoned journalists and human rights defenders, including Mr. Seyoum Tsehaye whose family lives in France.

During the latest session of the ACHPR in April 2015, the report "*The Erosion of the Rule of Law in Eritrea: Silencing Freedom of Expression*" was launched by the *Centre for Human Rights* at the University of Pretoria and the *UN Mandated University for Peace* in Costa Rica.

The report can be downloaded at the Pretoria University Press site: http://www.pulp.up.ac.za/cat_2015_01.html
It is a grim document which is based on extensive interviews with Eritrean witnesses as well as reports by international bodies and civil society.

The UN HRC Special Rapporteur on Eritrea *Ms. Sheila Keetharuth, Ms. Pansy Tlakula* Commissioner and Special Rapporteur on Freedom of Expression in Africa at the ACHPR, *Professor Frans Viljoen* of the University of Pretoria and *Mr. Björn Tunbäck* of Reporters without Borders/Sweden all took part in the presentation of the report in Banjul.

The report adds to the description of how the general Human Rights situation in Eritrea, the mandatory open-ended military service for all youths and the total lack of freedom of Expression and information leads to intense despair and hopelessness, driving Eritreans to flee their country in droves every month, whatever the costs. They prefer risking blackmail kidnapping, or death at sea while trying to cross the Mediterranean.

To add to the general feeling of hopelessness, there is now a growing concern among Human Rights Groups that the European Union will increase its financial support for Eritrea to ease the flow of Eritrean migrants without any consideration of the dire Human Rights situation in Eritrea which is creating the influx of the refugees from that country. This would of course strengthen the power in place and increase it repressive efficiency.

Eritrea was heavily criticised before the HRC in 2014 during the Universal Periodic Review. It has been criticised by the ACHPR. The country is under sanctions from the Security Council. But all this seems to be ignored by the Government in Asmara.
The Government also denies entry to both the UN Special Rapporteur and the HRC Commission of Inquiry.

Time is running out, enough is enough and in such a situation concerted and concrete action is needed at local, national, regional and international levels.

One way to apply pressure is to have the European Union put its preparations for an aid package to the Eritrean Government on hold until the Commission of Inquiry and Special Rapporteur on Eritrea are given access to Eritrea to carry out their investigation.

Another way to apply pressure against the Eritrean Government when demanding Human Rights is for more countries to follow the example of Canada. The Canadian authorities have taken legal action and also expelled an Eritrean diplomat to stop the collection of the so called voluntary 2-percent tax that Eritrean diplomats globally demand from Eritreans in exile. Any Eritrean in exile is requested to pay two percent of their income for any service asked from the Embassy for example asking for a visa or a birth certificate. This regardless of having paid tax in the country of domicile. Refusing to pay is known to have resulted in reprisals against relatives still in Eritrea. The collection of this tax actually constitutes an intimidation to citizens in many countries who happen to be of Eritrean origin.
The Canadian Government cautions Eritreans in exile as paying the tax be in breach of the sanctions imposed by Security Council: http://www.canadainternational.gc.ca/sudan-soudan/bilateral_relations_bilaterales/eritrea-erythree.aspx?lang=eng

The situation is grave. The flow of refugees from Eritrea affects many countries in the entire region as well as Europe. It is an ongoing tragedy for thousands of Eritreans and their families.

In the case of the imprisoned journalists and of Mr. Dawit Isaak it may soon be too late. As mentioned seven of his colleagues have already perished while in prison. We have a common responsibility to do our utmost to prevent further loss of lives. We demand his immediate release along with all his arrested colleagues.

To end this SOS on a positive note, it is encouraging to see the increase collaboration between the UN human rights system and the African regional mechanisms. A suggestion could be to encourage a more pro-active action on the part of the Security Council.

Above all, this is a situation which demands that the Council, despite the attachment of its members to a cooperative approach, consider urgently also a more proactive solution to the ongoing Eritrean tragedy.